

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Application of GHF GENERAL PARTNER LIMITED and THE GHF GROUP LIMITED for an *Ex Parte* Order to Conduct Discovery for Use in Foreign Proceedings Pursuant to 28 U.S.C. § 1782

No. 23-MC-335(JGLC)

DECLARATION OF BADR ABDELHAMEED DHIA JAFAR

I, BADR ABDELHAMEED DHIA JAFAR, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a citizen of the United Arab Emirates (“UAE”). I reside and work in the UAE.
2. I do not reside, work, or currently transact business in person in New York or elsewhere in the United States. I currently serve as Chief Executive Officer of Crescent Enterprises Limited (“**Crescent Enterprises**”). The corporate headquarters of Crescent Enterprises are in Sharjah in the UAE.

Trip To New York City To Attend The United Nations General Assembly

3. On September 15, 2023, my wife, Razan Khalifa Sheikh Ahmed Al Mubarak, and I traveled from Dubai in the UAE to New York City to attend meetings in connection with the “High Level Week” of the annual United Nations (“U.N.”) General Assembly (the “**General Assembly**”), which took place from September 19, 2023 through September 26, 2023. We traveled to New York with our two daughters, who are one and six years old. My wife and I both made the trip as part of the UAE delegation attending the U.N. General Assembly and related U.N. meetings. Our daughters accompanied us as we were unable to find family who were available to take responsibility for them in our absence.

4. My wife is a full-time UAE government employee and Managing Director of the

Environment Agency – Abu Dhabi, a UAE government agency. She is also the head of an international agency, serving as President of the International Union for Conservation of Nature (IUCN), and the current United Nations Climate Change High Level Champion.

5. I was appointed and currently serve as the COP28 UAE’s Special Representative for Business and Philanthropy and a member of the Advisory Committee, for the 2023 U.N. Climate Change Conference, which is commonly referred to as “COP28” (“**COP28**”). COP28 will be the twenty-eighth annual U.N. Climate Change Conference. The U.N. Climate Change Conference serves as the formal annual meeting of the parties to the United Nations Framework Convention on Climate Change. COP28 will take place in Dubai from November 30, 2023 through December 12, 2023. I am also the Chairman for the Business and Philanthropy Forum for COP28, which is COP28 Presidency’s official forum to engage the business and philanthropy sectors during COP28 UAE.

6. I was present in New York from September 15, 2023 through September 24, 2023 in my formal capacity for the sole purpose of attending meetings in connection with the United Nations Climate Ambition Summit as part of the U.N. General Assembly meetings and as an official UAE delegate. An email dated October 2, 2023 from Daniel Bergheim, Chief of Staff to the Permanent Representative of the Permanent Mission of the UAE to the UN, confirms my formal role in this regard and is annexed hereto as “**Exhibit 1.**”

7. I attended U.N.-related meetings each day of my visit, except my last day, when I travelled back to the UAE. During my visit, I was provided with official badges that allowed me access to U.N. premises closed to the public, including for meetings, in my formal capacity as the appointed COP28 UAE Presidency’s Special Representative and as part of the UAE’s delegation during the U.N. General Assembly week. True and correct photos of these badges are

annexed hereto as “**Exhibit 2.**”

8. Over the years, I have made various public appearances and statements in connection with my involvement with U.N. initiatives, including as a member of the United Nations Secretary General’s High Level Panel for Humanitarian Financing, as a member of the United Nations Educational, Scientific and Cultural Organization (UNESCO) International Commission for the Futures of Education, as well as my more recent role work for the U.N.’s COP28 on behalf of the UAE. I have been interviewed extensively by the international press in relation to these formal appointments over the years, including more recently on CNN regarding my work for COP28 on behalf of the UAE.

9. During my nine days in New York, I attended and hosted numerous meetings on behalf of COP28 UAE to raise awareness around the U.N.’s Climate Conference being held in the UAE, and to seek engagement of governments, businesses and civil society organizations in this conference and its climate and nature outcomes.

10. For example, on the morning of September 18, 2023, I co-hosted a meeting on behalf of COP28 UAE at the UAE Mission to the U.N. Attendees at this meeting included President William Ruto of the Republic of Kenya, COP28 President-Designate H.E. Dr. Al Jabar, Microsoft founder Bill Gates, Former Mayor of New York City Michael Bloomberg, and BlackRock CEO Larry Fink, amongst other global dignitaries and UAE officials.

11. Another example, in recognition of the international relevance of COP28, is that the UAE COP28 delegation was honored to be asked to ring the opening bell of the September 19, 2023 session of the New York Stock Exchange. That morning, I, along with COP28 President Designate H.E. Dr. Sultan Al Jaber and other members of the UAE COP28 delegation, rang the New York Stock Exchange’s opening bell. This was the first time in history that a COP28 Presidency opened the stock exchange.

First Instance Of Harassment

12. On Wednesday, September 20, 2023, at approximately 9:15 a.m., I left the hotel where my family and I were staying (the “**Hotel**”) to attend a meeting of the Middle East Summit (the “**Summit**”) being held nearby. This meeting was attended by a number of heads of state and government, including His Majesty King Abdullah II of Jordan and His Excellency Mohammed Al Sudani, Prime Minister of Iraq, amongst many other officials and in relation to the U.N. General Assembly.

13. As I left the front entrance of the Hotel that morning, I was talking on my cellphone. As I exited the Hotel by the entrance, I was extremely startled when a man abruptly approached me, holding a package and calling out my name. As I had no idea who this person was, and due to his highly confrontational nature, I briefly indicated I did not know who the person was and continued walking. The man followed me, shouting my name and saying something along the lines of “you can’t get away from me” in what clearly seemed to be an attempt to cause a commotion in public and draw attention to his apparent efforts to force me to engage with him.

14. The man, who was unknown to me, did not identify himself or whom he worked for. Rather, he repeatedly shouted my name in an aggressive manner while following me around the block. I was disturbed and unsettled by his behavior, particularly given the surroundings and the tense security environment.

15. From a security perspective, the annual U.N. General Assembly is typically a tense environment due to the presence of high-level officials from many countries in a small area, as well as competing political ideologies of many of the countries and the people whom those ideologies may attract.

16. It is not uncommon for delegates to witness angry protests while attending U.N. meetings. Security levels are on high alert, and the UAE delegation was warned by UAE security

officials prior to our visit to be on alert.

17. Given this backdrop, I viewed the actions of the unknown man – who was racing towards me, shouting my name outside my hotel and carrying a package whose contents I did not know – as a potential threat to my and my family’s safety. I therefore purposely avoided engaging with him as I walked briskly towards the Summit entrance in the hope that he would leave me alone.

18. Guests of the Hotel and their security personnel who were standing outside and on the streets in the vicinity of the Hotel also noticed the commotion. The experience was highly irregular and unsettling. Assuming he was not there to cause me physical harm, the man appeared to be some kind of protestor whose goal was to publicly harass me.

19. The meeting I attended on Tuesday morning included many high-level politicians and heads of state and government from countries in the Middle East, and is an example of a meeting where security is on high alert. This is one of the reasons why the atmosphere relating to security during the U.N. General Assembly is so tense and attendees are so vigilant.

20. Following my meeting, I exited the building and noticed the same man who had harassed me earlier waiting outside. Again, out of concern for my safety, I ignored him and began to walk back to the Hotel. Immediately, the man closed in and aggressively attempted to approach me without identifying himself or informing me of what he was trying to do.

21. Because of the threatening manner in which the man approached me, security personnel associated with the event had to intercede, and they stepped in to create a buffer between me and the man for my physical protection. I believe that the security personnel did so because it was clear to them that I was being harassed and they, like me, believed that the man might pose a threat to my physical safety. As a result of actions taken by the security personnel, I was able to return to the

Hotel without the man accosting me again.

22. Upon my return to the Hotel, I attended five meetings, all of which were at the Hotel's meeting space and were related to my work as a COP28 UAE's Special Representative. The last of those meetings ended at approximately 2:00 p.m. My next session, which was with the Prime Minister of Iraq, was located at the same building that I had been to earlier that same day.

23. When I left the Hotel to go to the meeting, I noticed a significant increase in security and major police presence in the area of the Hotel. I believe the increased security presence was due to the fact that the President of the United States was traveling down Fifth Avenue in a motorcade around this time. I did not see the man outside the Hotel this time, and I managed to walk to my meeting and return to the Hotel after the meeting without incident, which I attributed to the increased security in the area and the blocked off streets due to the President's motorcade.

Second Instance Of Harassment

24. A few hours later that same day, I walked out of the Hotel to travel to a diplomatic reception. As I exited the Hotel, the same man who had harassed me earlier that morning approached me aggressively as I attempted to enter a car waiting for me on the street outside the Hotel. Doormen from the Hotel noticed the man moving towards me in a threatening manner and immediately created a buffer, separating me from him, so that I could enter the car safely. Again, the man did not attempt to introduce himself or indicate his affiliation.

25. I returned to the Hotel later that night and, upon arrival, my driver noticed that someone who looked suspicious was waiting nearby the entrance of the Hotel as if he were stalking someone. Because it was dark, I could not tell whether it was the same man who had harassed me earlier that day. However, my security concerns were heightened because of the earlier disturbing incidents.

Third Instance Of Harassment

26. The next morning, Thursday, September 21, 2023, I planned to take my one-year-old daughter for a walk in Central Park before my first meeting of the day.

27. As I walked out of the Hotel heading towards Central Park, I was carrying her in my arms. As soon as I left the Hotel, the same man who had harassed me the day before ran up to me and my daughter, shoved a camera in my face, and tried to force me to take a package he was holding by pushing it towards me. I was extremely startled, as was my baby daughter.

28. I instinctively turned back towards the Hotel to protect my daughter. Undeterred, the man chased after us towards the Hotel lobby. The doormen standing in front of the Hotel saw this and again created a buffer between us so that the man could not get physically close to me or my daughter. Hotel security personnel then closed the Hotel's front doors before the man could enter. Again, the man made no effort to introduce or explain himself.

29. When I returned to the lobby holding my one-year old, I saw my six-year-old daughter standing there, distraught from what she had just seen. Feeling intimidated, fearful, and unsettled, I arranged for a car to take me and my daughters to a museum instead of going to Central Park as originally planned.

30. Approximately five minutes after I returned to the Hotel lobby, one of the Hotel doormen told me that after I entered the Hotel, the man who had just charged at me and my daughter and shoved a camera in my face had thrown a package at the entrance of the Hotel and left it there on the ground. I told the doorman that I did not know who the man was, what he wanted, or what the package contained.

31. The fact that this man had caused such a scene at the Hotel was a source of significant distress and embarrassment to both me and my wife. I was told by the doorman that other guests entering the Hotel had to step over the package that the man had thrown at the Hotel's entrance

until Hotel personnel removed it.

Fourth Instance Of Harassment

32. Later in the day on September 21, 2023, after I visited a museum with my daughters, my daughters returned to the Hotel, and I went straight to my afternoon meetings. That meeting concluded at approximately 4:00 p.m., and, immediately afterwards, I headed back to the Hotel.

33. Upon my arrival at the Hotel, I noticed a different, unknown man lurking outside. As I walked toward the lobby, this man approached me in a similarly erratic manner. He also made no effort to identify himself. For the third time in two days, Hotel security personnel stepped in to shield me and escort me safely into the building. Again, I was extremely unsettled by this event.

Subsequent Events

34. On September 21, 2023, my wife, who had been attending U.N. meetings of her own that day, returned to our hotel room shortly after I did. Upon arrival, she informed me that an unknown man had approached her aggressively as she was entering the Hotel, repeatedly shouted her name, and attempted to shove a package into her arms. She said she had no idea who he was or what the package was, but obviously she did not take it. She told me that she had to quickly make her way into the Hotel to avoid being further accosted by him. I then told my wife about the man who had approached me in an aggressive manner earlier that day while I was holding our daughter in my arms. At that point, frightened for the personal safety of ourselves and our daughters, we were forced to hire our own personal security detail for the remainder of our stay in New York at considerable cost.

35. That Thursday evening, my wife and I decided to forego an official U.N. event and instead remained at the Hotel out of an abundance of caution for our family's safety. During the evening, we received multiple messages from our driver that there were at least one and likely two people wearing backpacks who appeared to be stalking someone outside the Hotel entrance.

36. The next morning, on Friday, September 22, 2023, my wife and I were informed by Hotel staff that, the night before, some individuals had waited for hours outside the Hotel, leaving only past 9:00 or 10:00 p.m. We were also informed that the men had attempted to hand packages to various members of the Hotel's staff, which they did not accept, on several occasions.

37. As a result of the disgraceful and inappropriate conduct my family and I endured while visiting New York for the U.N. General Assembly, my wife and I felt and continue to feel humiliated, intimidated, and fearful. Not only did these men put my safety in jeopardy, they put – in what can only be described as a complete and utter disregard for human decency – the safety of my wife and two young daughters at risk. Days after the incidents, my daughters were still trying to understand what had happened.

Requests For Documents

38. On May 5, 2023, I received by email a letter (the “**May 5 Letter**”) from Forbes Hare, a law firm which I understand is representing my father, Abdulhameed Dhia Jafar, in a litigation in the Cayman Islands (the “**Cayman Litigation**”) involving UAE and Cayman Island people, entities and transactions. The May 5 Letter referenced an order from the Cayman Litigation in which the Cayman Islands court apparently ruled that some (but not all) of my personal documents are within my father's power. Because I am not, and have never been, a party to the Cayman Litigation, the order did not require me to do anything. It was my father to whom the order applied, though apparently the order did not require him to take any specific steps. The May 5 Letter from Forbes Hare asked me, on my father's behalf, to consider providing them with all documents in my possession “relating to the negotiation, drafting, documenting, funding, advance, implementation, restructuring and dealings” in connection with three loans (the “**Loans**”) my father advanced to certain Abraaj Group entities in 2017. None of these documents, to the extent they exist, are located in the United States; they are all in the UAE. A copy of the May 5, 2023 Letter

from Forbes Hare is annexed hereto as “**Exhibit 3**”.

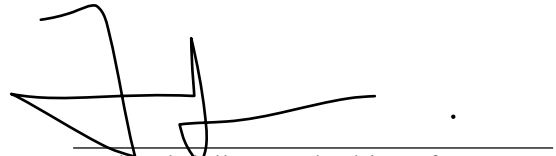
39. On May 19, 2023, I emailed my father to say that, while I disagreed with the basis of the order referenced in the May 5 Letter, as a courtesy to him I would grant Forbes Hare limited access to emails in my possession located on Crescent’s servers for the only relevant period beginning December 15, 2017 and ending January 15, 2018. Subsequently, all of those emails were made available to Forbes Hare.

40. I subsequently received a second letter (the “**August 14 Letter**”) from Forbes Hare. The August 14 Letter asking that I consider providing all documents in my possession relating to the Loans during the period beginning December 1, 2017 and ending September 30, 2018. These documents also, to the extent they exist, are located in the UAE. A copy of the August 14, 2023 Letter from Forbes Hare is annexed hereto as “**Exhibit 4**”.

41. I did not respond to Forbes Hare’s letter of August 14 Letter and instead have spoken to my father, who said he would relay my response to his lawyers.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 6th day of October, 2023.



Badr Abdelhameed Dhia Jafar